

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

LYNCHBURG DIVISION

Sanville

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
In D'ville
DEC 29 2006
JOHN F. CONCORAN, CLERK
BY: *J. J. J.*
DEPUTY CLERK

UNITED STATES OF AMERICA,

v.

KIRKWOOD DONNELL CABINESS,

Defendant

CRIMINAL NO. 4:02-CR-70031-001

ORDER and OPINION

JUDGE NORMAN K. MOON

This matter is before the Court on the Government's Motion for Substantial Assistance Consideration, filed on December 14, 2006 (docket # 150), pursuant to Rule 35(b) of the Federal Rules of Criminal Procedure.

Defendant pled guilty to multiple drug-related counts and was sentenced on April 22, 2003. The sentence included a term of imprisonment of 180 months, which was half the guideline minimum of 360 months and less than the statutory minimum of 20 years. The reduction was based on a substantial assistance motion made at the time. The Government states that Defendant is entitled to further substantial assistance consideration because of his assistance in the investigation and prosecution of another individual after sentence was imposed. Accordingly, the Government recommends that Defendant's sentence be reduced by 48 months.

The Court finds that Defendant qualifies for a sentence reduction under Rule 35(b) and hereby ORDERS that Defendant's term of imprisonment be reduced to a total of 132 months. No other component of the Court's April 22, 2003, sentence shall be affected by this Order.

Defendant's numerous motions ancillary to his efforts to obtain a reduction in sentence (docket # 133, 134, 147, 148, 149, and 151) are all DENIED.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a copy of this Opinion and Order to all counsel of record and to the Defendant.

ENTERED:

Norma E. Mann
U.S. District Judge

December 29, 2006
Date